

## COVINGTON

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December 8, 2020

The Honorable Louis L. Stanton  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Courtroom 21-C  
New York, New York 10007

**Re: *Innovatus Capital Partners, LLC, v. Neuman et. al.* (1:18-cv-04252)**

Dear Judge Stanton:

I write on behalf of Defendants Jonathan Neuman, Anthony Mitchell, Ritz Advisors LLC, Greg Williams, Daryl Clark, and Amanda Zachman (together, "Defendants") to respectfully request permission to file under seal Defendants' Response to Innovatus' Counter Statement of Material Facts ("Response"). Defendants' response to Innovatus' Counterstatement of Material Facts ("Counterstatement")<sup>1</sup> contains the full text of the Counterstatement, portions of which Innovatus contends contain Protected Material under the Protective Order (No. 18-04253 Dkt. No. 75). See Dkt. 119 (Innovatus Letter Motion to Seal dated December 4, 2020).

Although there is a presumption in favor of public access to judicial documents, a court may seal judicial documents if "closure is essential to preserve the higher values and closure is narrowly tailored to serve that interest." *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006). Defendants' Response refers to, quotes, and contains information that has been designated by the Plaintiff, Innovatus Capital Partners, LLC, as "CONFIDENTIAL" under the Protective Order. *Id.* at 2. The Protective Order further provides: "Where any Confidential or Highly Confidential Materials, or Information derived therefrom, is included in any motion or other proceeding in this Proceeding, the Parties and any involved non-party shall follow the procedures outlined in Fed. R. Civ. P. 5.2, the Standing Order Regarding Electronic Filing Under Seal in Civil and Miscellaneous Cases dated December 19, 2019, and the Individual Rules of Practice issued of the Court, or any Standing Procedural Order subsequently issued by the Court." *Id.* at 11.

Accordingly, pending the Court's consideration of Innovatus' December 4, 2020 Letter Motion to Seal (Dkt. 119), Defendants respectfully request the Court's permission to file their Response to Innovatus' Counter Statement of Material Facts under seal.

Sincerely,

s/ Jason C. Raofield  
Jason C. Raofield

USDC SDNY  
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<sup>1</sup> A redacted version of the Counterstatement was filed as Dkt. 118.

MEMO ENDORSED

These portions may be redacted.

Denied as too broad.  
So Ordered.  
Louis L. Stanton  
12/9/20